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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,457

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Raymond Kesterson

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EXAMINER

NWUGO, OJIAKO K

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

10/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,457	<b>Applicant(s)</b> KESTERSON, RAYMOND	
	<b>Examiner</b> OJIAKO NWUGO	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 48-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 72 and 73 is/are allowed.
- 6) ☒ Claim(s) 48-50, 59, 60 and 62 is/are rejected.
- 7) ☒ Claim(s) 52-58, 63-65 and 68-71 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

**Claims 48-73 are pending.**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 49, 53 and 54** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant use the phrase voltage- controllable signal routing device, it is unclear whether the voltage-controllable is in reference signal or the routing device.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 48,49,50,59, 60, 61, 62** are rejected under 35 U.S.C. 102(b) as being anticipated by Gideon Du Rocher U.S. Patent 3603840 (Hereafter referred to as 3603840)

Regarding **Claim 48**, Du Rocher discloses in fig. 1 and col. 3 lines 70-75 and col. 4 lines 52-62 controlling the brilliance of the turn signal lamps 24-27 by

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operating lamp switch 8 with resistors R-1, R-2, R-3 reading on 'brightest output circuit'. In col. 2 lines 52-62 and col. 5 lines 38-43 discloses different intensity requirements for turn signals 24-27 when flashing thus signaling mode and another upon activation of the break switch 28 thus visibility, utility and safety mode. This reads on "A vehicular light control system for controlling external vehicular directional signal lights, comprising: a light intensity switch connecting a brightest output circuit of at least one directional signal light and a turn signal switch, and the light intensity switch connecting the brightest output circuit of the at least one directional signal light and a power supply, whereby the intensity of the at least one directional signal light is controlled between operational modes selected from the group consisting of signaling modes and visibility, utility, and safety modes".

Regarding **Claim 49**, Examiner will assume as of now that the voltage controllable signal is reference to the signal not device. Du Rocher discloses in col. 5 lines 19-23 that the resistance of resistor R-1, R-2, R-3 increases with increasing temperature which leads to leads to more voltage dropped across the each resistor and diminished of intensity of the lights. This reads on " Light intensity switch further comprises a first voltage-controllable signal routing device".

Regarding **Claim 50**, Du Rocher discloses in fig .1 and col. 4 lines 55-62 discloses relay coil 55 that is connects turn signal lights with battery 7 when energized and resistance R-1 is connected to the turn signal light even when not energized. This reads on "The vehicular light control system as described in

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claim 49, wherein the first voltage-controllable signal routing device comprises a relay; and wherein the relay includes an energized state, wherein said brightest output circuit of said at least one directional signal light is connected to the power supply, and: a non-energized state, wherein said brightest output circuit of said at least one directional signal light is connected to the turn signal switch.

Regarding **Claim 59**, Du Rocher discloses in fig. 1 and col. 3 lines 70-75 and col. 4 lines 52-62 controlling the brilliance of the turn signal lamps 24-27 by operating lamp switch 8 with resistors R-1, R-2, R-3 reading on 'brightest output circuit'. In col. 2 lines 52-62 and col. 5 lines 38-43 discloses different intensity requirements for turn signals 24-27 when flashing thus signaling mode and another upon activation of the break switch 28 thus utility and safety mode. This reads on "at least one light intensity switch connecting a brightest output circuit of at least one directional signal light and a turn signal switch, and said at least one light intensity switch connecting the brightest output circuit of at least one directional signal light and a power supply, whereby the intensity of at least one directional signal light is controlled between an output mode for signaling and an constant illumination output mode for safety and for utility".

Regarding **Claim 60**, Du Rocher discloses in fig. 1 and col. 4 lines 17-25 a switch 8 with operator 22 for routing voltage and current. This reads on "at least one light intensity switch further comprises means for controlling electrical current and voltage routing".

Regarding **Claim 61**, Du Rocher discloses in fig. 1 and col. 4 lines 10-20 relay 52 which when energized R-3 part of intensity control (brightest output

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circuit) is connected to power supply via switch 8. When relay is not energized R2 and R3 are connected to the switch 8,

Regarding **Claim 62**, Du Rocher discloses in fig. 1 and col. 2 lines 30-35 vehicular power supply of battery 7.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 51** is rejected under 35 U.S.C. 103(a) as being unpatentable over Du Rocher in view of Parmjit Pabla et al U.S. Patent 5780974. (Hereafter referred to Pabla)

Regarding **claim 51** Du Rocher does not disclose the supply power to lights via an ignition keyed power source. Pabla discloses in fig. 1 and col. 23-35 the supply of power to lights via ignition key.

It would have been obvious for one of ordinary skill at the time of the invention to incorporate the ignition keyed power supply of Pabla into Du Rocher.

### ***Allowable Subject Matter***

**Claim 72 and 73 allowed.**

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**Claim 52-58, 63-65, 68-71** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJIAKO NWUGO whose telephone number is (571)272-9755. The examiner can normally be reached on M - F 7.30am - 5.00pm EST, Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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OKN

/Jeff Hofsass/

Supervisory Patent Examiner, Art Unit 2612